

THE UNIVERSITY OF OKLAHOMA STUDENT ASSOCIATION

UNDERGRADUATE STUDENT CONGRESS  
CONGRESSIONAL SESSION LXXX

October 7, 2008

GRADUATE STUDENT SENATE  
SENATE SESSION GF-08

October 19, 2008

CONGRESSIONAL BILL No. 800308

SENATE BILL No. GF08-15

AS INTRODUCED

An act relating to executive; amending the UOSACA Title 3, Chapter 4, Section 17 which concerns duties of the General Counsel; adding certain duties; deleting obsolete language; providing for codification; and providing an effective date.

BE IT ENACTED BY THE UNIVERSITY OF OKLAHOMA STUDENT ASSOCIATION:

**Section 1:** AMENDATORY: Title 3, Chapter 4, Section 17 of the UOSACA is hereby amended as follows:

**17. Duties**

The functions and duties of the General Counsel shall be those outlined in the University of Oklahoma Student Code, Title 12 and the UOSACA. The Student Code shall control the nomination, function, and essential character of the office. The Office of General Counsel is "otherwise provided for" by Title 12 of the Student Code, and thus does not fall under the regulations of Article 4, Sec. 4 of the UOSA Constitution. The Open Appointments Act does not apply to the office of the General Counsel. ~~UOSA Const. Art. IV, Sec. 8(2); Regarding Matters Raised by the Superior Court, ISC-1996-002 and Superior Court, SC-2003-001.~~

**a. Allegiance**

The General Counsel's allegiance is to UOSA, not any one entity (e.g., Congress). There is no conflict of interest when General Counsel is on one side of a UOSA judicial action and either, for example, Undergraduate Student Congress or another organization is on the other. ~~Regarding Matters Raised by the Superior Court, SC-1996-002.~~

**b. Opinions**

The General Counsel may issue binding advisory opinions regarding all UOSA internal matters. These opinions extend to the internal affairs of all UOSA Student Organizations and are binding on UOSA internal branches, including student organizations. These opinions shall be binding at all levels until overturned on appeal. This authority does not extend to the issuance of opinions which are binding on the judicial branch as the Superior Court is the final appeal route for these opinions. ~~Regarding Matters Raised by the Superior Court, SC-1996-002.~~

**i. Writing Opinions**

General Counsel should use reasonable means to investigate and thoroughly research all matters before writing its opinion. General Counsel should endeavor to hear both sides of the issue before publishing an opinion that would be binding on the internal affairs of a student organization. ~~Regarding Matters Raised by the Superior Court, SC-1996-002.~~

**ii. Review of Opinions**

Judicial appeal and subsequent review shall be an avenue for relief from unsatisfactory General Counsel opinions. ~~Regarding Matters Raised by the Superior Court, SC-1996-002.~~

**c. Review of Other Employment**

No employee in a UOSA Stipend position shall be employed by the University of Oklahoma in a position that could be considered a conflict of interest. Neither shall he/she accept any special favors or privileges from any University employee or student or outside source which might in any way compromise his/her position and responsibilities while in office. This does not intend to include traditional and recognized academic and athletic compensation in the form of scholarships, fellowships, grants of other similar aid, or employment, which clearly does not represent a conflict of interest. Notification of other employment must be submitted to the office of the UOSA General Counsel prior to elections for the purpose of determining a conflict of interest. ~~Stipends and Salaries Act of 2003; Congressional Bill No. 680704 and Senate Bill No. GF02-40, Sec. 11(4).~~

**d. Update UOSACA**

The UOSA General Counsel shall, at all times keep an updated hard copy of the UOSACA in the General Counsel's office. The General Counsel shall also make sure all electric versions of the UOSACA (e.g., K-drive, Internet links, PDF files, etc) are updated. Normally, the General Counsel shall make all necessary

changes to the UOSACA within two weeks of receiving the legislation from the Staff Assistant. Every August, the General Counsel shall be responsible for the publication of the UOSACA and ensuring that copies are available to those persons who are in a position to reference the UOSACA regularly. The General Counsel shall fulfill this duty in accordance with Title I, Chapter 7 of the UOSACA. ~~An Act Adopting the University of Oklahoma Student Association Code Annotated (“UOSACA”); Congressional Bill No. 700306, Senate Bill No. GF03-01, Sec. 6; An Act Adopting the Procedure for Compiling and Forwarding UOSA Bills; Congressional Bill No. 700307, Senate Bill No. GF03-03, Sec. 3.~~

**e. Enforcement of the UOSACA**

**i. Form**

The Office of the General Counsel shall create a standard form for recommending actions to officers of each branch of the UOSA towards compliance with the UOSACA. This form shall include:

- A citation and explanation of the relevant portion of the UOSACA;
- A description of the actions or situation which the General Counsel finds to be not in compliance with the UOSACA, and why the General Counsel so finds;
- A recommendation for how to come into compliance with the UOSACA.

~~The Easy Enforcement Act; Congressional Bill No. 0203310, Senate Bill No. GF04-19.~~

**ii. First Notice**

Upon having knowledge of an action or situation which the General Counsel finds to not be in compliance with the UOSACA, the General Counsel shall complete a form as per §3 and send said form to the relevant officer of the UOSA. ~~The Easy Enforcement Act; Congressional Bill No. 0203310, Senate Bill No. GF04-19.~~

**iii. Second Notice**

If said officer has not, in the determination of the General Counsel, demonstrated sufficient action towards compliance with the UOSACA within one (1) week after first notice, said officer shall receive a second notice consisting of both (a) a copy of the first notice, and (b) any additional information that the General Counsel wishes to include describing why actions taken since first notice are insufficient. A copy

of the second notice shall be sent to the Chair of the Congressional Administration Standing Committee of the Undergraduate Student Congress and of the Internal Affairs Committee of the Graduate Student Senate. ~~*The Easy Enforcement Act; Congressional Bill No. 0203310, Senate Bill No. GF04-19.*~~

**iv. Third Notice**

If said officer has not, in the determination of the General Counsel, demonstrated sufficient action towards compliance with the UOSACA within one (1) week after second notice, said officer shall receive a third notice consisting of both (a) a copy of the second notice, and (b) any additional information that the General Counsel wishes to include describing why actions taken since first notice are insufficient. A copy of the third notice shall be conspicuously posted in the office of the UOSA. ~~*The Easy Enforcement Act; Congressional Bill No. 0203310, Senate Bill No. GF04-19.*~~

**v. Records**

The General Counsel shall keep a copy of all forms for a period of no less than one (1) year. ~~*The Easy Enforcement Act; Congressional Bill No. 0203310, Senate Bill No. GF04-19.*~~

**f. Student Organization Constitutions**

During the student organization registration process (as outlined by the Student Code) occurring in the Fall of each odd-numbered year, each organization shall submit three copies of the organization's constitution. As provided in the Student Code, the UOSA General Counsel shall review each organization's constitution for compliance with the OU Student Code and other University and UOSA policies. As provided in the Student Code, organizations whose constitutions do not achieve compliance status or organizations that fail to submit a constitution each odd year are not considered registered student organizations. As provided in the Student Code, registered student organizations may be entitled to funds appropriated by the UOSA. Upon a showing by the UOSA General Counsel that an organization is not a registered student organization because the organization has not submitted a constitution in the Fall of an odd-numbered year or the organization's constitution is not in compliance, the UOSA Budgetary Committee may take the violation into consideration during the budgetary allocation process. ~~*An Act Establishing a Requirement that Registered Student Organizations Submit Their Constitution for Review in the Fall of Every Odd Year; Congressional Bill No. 700317, Senate Bill No. GF03-04, Sec. 3-6.*~~

**g. Maintenance of Superior Court Documents**

*The General Counsel shall be responsible for the storage and maintenance of all Superior Court records.*

**h. Correcting Scrivener’s Errors in the Constitution**

Scrivener’s errors in the UOSA Constitution may be amended without referendum. The General Counsel shall correct such errors prior to the Constitution’s annual publication. A scrivener’s error is defined as “An error resulting from a minor mistake or inadvertence, esp. in writing or copying something on the record, and not from judicial reasoning or determination. Among the boundless examples of scrivener’s errors are omitting an appendix from a document; typing an incorrect number or mistranscribing a word. ~~General Counsel Opinion, OP-2004-001.~~

**Section 2:** This act shall be effective when passed and signed in accordance with the UOSA Constitution.

Author(s): Rep. Matt Gress

Co-Author(s):

Sponsored by: Sen. Frank Yepez Castillo

Submitted on a Motion by: Rep. Bowling, seconded by Rep. Burris

Action taken by Congress: Passed by Consent

Verified by Chair: \_\_\_\_\_ Date: \_\_\_\_\_

Submitted on a Motion by: Sen. Krell, seconded by Sen. Hackbert

Action taken by Senate: Passed by Consent

Verified by Chair: \_\_\_\_\_ Date: \_\_\_\_\_

Approved by UOSA President: \_\_\_\_\_ Date: \_\_\_\_\_

Approved by University President: \_\_\_\_\_ Date: \_\_\_\_\_